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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,016	10/01/2003	Laxmi P. Parida	YOR920030163	3232

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MICHAEL J. BUCHENHORNER, ESQ  
HOLLAND & KNIGHT  
701 BRICKELL AVENUE  
MIAMI, FL 33131

EXAMINER
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VEILLARD, JACQUES

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/677,016

Applicant(s)

PARIDA, LAXMI P.

Examiner

Jacques Veillard

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/30/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the applicant's communication filed on 10/01/03.
2. Claims 1-20 are pending and presented for examination.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on September 30, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been placed in the application file and being considered as to the merits.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 8-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 8, the claim recites in line 2 the phrase "its nodes"; the pronoun "its" renders the claim indefinite. Furthermore on line 1 the word "form" should place by -- from--.

As per claim 11, the claim recites in line 1 "the method of claim 10 wherein the method of claim 1 is performed". The claim is indefinite because it is unclear as to what applicant meant by "the method of claim 10 wherein the method of claim 1 is performed". Appropriate correction is required.

As per claim 15, the claim recites the limitation "the inexact suffix tree" in 4. There is insufficient antecedent basis for this limitation in the claim.

Any claim not directly rejected under 35 U. S. C. 112, second paragraph stands rejected due to its dependency.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically directed towards software, per se.

The claim recites a program product for determining patterns in an input string of tokens comprising instructions for identifying, creating, displaying and etc. It appears that those instructions are functional descriptive material per se. Function descriptive material must be on a computer readable medium to be statutory. However, the invention described in claim 20 is not recited as being embodied in a computer readable medium, therefore, it is not statutory.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Floratos et al. (U. S. Pat. No. 6,092,065).

As per claim 15, Floratos et al. disclose a method and apparatus for identifying a sequence of characters by a pattern discovery technique (See Floratos et al. title and Abstract). In particular, Floratos et al. disclose the claimed limitations of an input/out device for receiving information including an input string by providing a network input/output permitting of receiving information (See Floratos et al. Fig.1 element 930 and col.14, line 33); a processor for identifying extensible patterns by providing a central processor unit (See Floratos et al. Fig.1 element 903 and col.14, line 30); and a memory (120) for storing identified patterns and for storing inexact suffix tree (See Floratos et al. Fig.1 element 120).

As per claim 16, Floratos et al. disclose the claimed limitations wherein the input/out device further comprising a CD ROM by providing a memory (Fig.1 element 120), which typically includes persistent storage such as a CD ROM (See Floratos et al. col.14, lines 33-37).

As per claim 17, Floratos et al. disclose the claimed limitations wherein the input/out device further comprising a network interface by providing a graphical user interface 907 such as a display (See Floratos et al. Fig.1 element 907 and col.14, line 32).

As per claims 18 and 19, Floratos et al. disclose the claimed limitations wherein the memory further comprising an operating system and application (See Floratos et al. col.14, lines 37-47).

***Allowable Subject Matter***

10. Claims 1-7 are allowed over the prior art of record.
11. Claims 8-14 and 20 would also be allowable over the prior art of record if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph and the rejection under 35 U.S.C. 101 set forth in this office action.

***Other Prior Art Made Of Record***

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

***Points Of Contact***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off.

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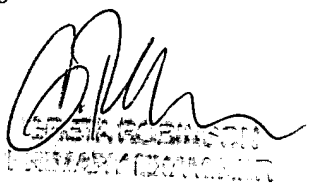
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272- 4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J.V.  
J.V.

Jacques Veillard  
Patent Examiner TC 2100

March 30, 2006



Handwritten signature of Jacques Veillard, Patent Examiner TC 2100, dated March 30, 2006.